

ESTTA Tracking number: **ESTTA22296**

Filing date: **12/29/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BWT Brands, Inc.
Granted to Date of previous extension	12/29/2004
Address	2600 Weaver Road Macon, GA 31217 UNITED STATES

Attorney information	Randel S. Springer Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 UNITED STATES rspringer@wcsr.com, lricci@wcsr.com Phone:(336) 721-3747
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Applicant Information

Application No	78315574	Publication date	08/31/2004
Opposition Filing Date	12/29/2004	Opposition Period Ends	12/29/2004
Applicant	Belcorp of America, INC. 1600 NW 93 Ave Miami, FL 33172		

	UNITED STATES
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Goods/Services Affected by Opposition

<p>Class 034. All goods and services in the class are opposed, namely: Cigarettes, Menthol Cigarettes, Light Cigarettes, Non Filter, Ultra Light Cigarettes</p>
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Attachments	GP CHROMO.pdf (4 pages)
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Signature	/Randy Springer/
Name	Randel S. Springer
Date	12/29/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/315,574
For the Mark **GP CHROMO CIGARETTES**
Published August 31, 2004

BWT BRANDS. INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
BELCORP OF AMERICA, INC.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer BWT Brands, Inc. ("Opposer"), a Delaware corporation located and doing business at 2600 Weaver Road, Macon, Georgia 31217, believes that it will be damaged by registration of the mark subject of Application Serial No. 78/315,574 for the mark GP CHROMO CIGARETTES filed by Belcorp of America, Inc. ("Applicant") and hereby opposes the same.

The grounds for the opposition are as follows:

1. Applicant filed Application Serial No. 78/315,574 on or about October 19, 2003 to register the mark GP CHROMO CIGARETTES for use in connection with "cigarettes, menthol cigarettes, light cigarettes, non filter, ultra light cigarettes" (hereinafter "Applicant's Mark") on the basis that the Applicant has a bona fide intent to use the mark in commerce.
2. Opposer will be damaged by the registration of Applicant's Mark.
3. Opposer is the owner of the following:

- a. U.S. Trademark Registration No. 1,736,945 for the mark GPC for cigarettes. Opposer has used this mark in commerce in connection with these goods since at least as early as December 1980, and this registration has become incontestable under 15 U.S.C. § 1065.
- b. U.S. Trademark Registration No. 2,201,403 for the mark GPC & Design for cigarettes. Opposer has used this mark in commerce in connection with these goods since at least as early as July 22, 1997. This registration has become incontestable under 15 U.S.C. § 1065.
- c. U.S. Trademark Registration No. 2,352,020 for the mark GPC Stylized for cigarettes. Opposer has used this mark in commerce in connection with these goods since at least as early as February 1998.

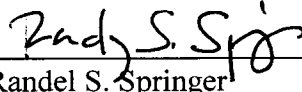
Collectively these marks are referred to as “Opposer’s Marks.”

4. Applicant’s Mark so resembles Opposer’s Marks as to be likely to cause confusion or to cause mistake or to deceive.
5. Opposer has priority over Applicant’s Marks by virtue of Opposer’s prior use in commerce of Opposer’s Marks.

WHEREFORE, Opposer prays that registration of Application Serial No. 78/315,574 be refused, and that this Opposition be sustained in favor of Opposer.

This 29th day of December, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randel S. Springer", is written over a horizontal line.

Randel S. Springer

Anne C. Fleeson

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

One West Fourth Street

Winston-Salem, NC 27101

Tel: (332) 721-3747

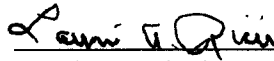
Fax: (332) 726-6991

ATTORNEYS FOR BWT BRANDS, INC.

CERTIFICATE OF MAILING

I do hereby certify that on December 29, 2004, I filed via electronic means (ESTTA) this
NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
Box TTAB – NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513



Laurie A. Ricci, Senior Paralegal

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